

**CITY OF WENATCHEE
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND,
P2014-01, P-ALT2014-01, PRD2014-01)	DECISION AND
Broadview on the Canal, Inc.)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on May 5, 2014, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The applicant is Ty Andre, on behalf of Broadview on the Canal, Inc.
2. Three applications were submitted for a Plat Amendment, Plat Alteration, and Residential Planned Development Amendment to the Planned Development / Major Subdivision known as Broadview on the Canal. The applications specifically propose to relinquish Condition #7 on the plat which states that "Tract 1 is not a building lot until such as time as it is further subdivided in order to establish a buildable lot", eliminate Tract 1, and create a new building lot in its place.
3. Broadview on the Canal planned development was originally approved in 2006 by Ordinance 2004-21 and modified by Ordinance 2006-05.
4. The subject site is 0.59 acres.
5. The subject property is located on the western side of the southern terminus of Broadway Place. The property is located in a portion of the northeast quarter of the northeast quarter of Section 32, Township 23 North, Range 20 E.W.M. Chelan County, in the City of Wenatchee. The subject property is further identified by Chelan County parcel number: 23-20-32-480-240.
6. The application has been processed as a Type III quasi-judicial review for planned developments / major subdivisions pursuant to WCC 13.09.050 and Plat Alterations pursuant to RCW 58.17.125.
7. The property owner is Broadview on the Canal, Inc.
8. The application materials were accepted as complete by the City of Wenatchee on March 1, 2014

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9. The subject property is located in the Residential Single Family (RS) Zoning
10. The Wenatchee Urban Area Comprehensive Plan Land Use designation is Residential Single Family (RS) Zoning
11. Residential Planned Development are permitted use in the RS Zoning District as identified in the District Use Chart, WCC 10.10.020
12. The subject property is located within an erosion hazard critical area which requires a geologic site assessment by a qualified geologist or engineer.
13. The submitted application materials include a professionally prepared erosion hazard assessment from Aspect Consulting, dated March 24, 2013
14. The subject property is located in the Wildland Urban Interface (WUI), Secondary Zone.
15. The subject site is located within the Broadview Secondary Access Service Area as identified in Table 1 of WCC 15.02.140.
16. The subject property is not located in a flood zone for the purposes of zoning in the City of Wenatchee.
17. Appropriate notice of application and notice of public hearing were referred to appropriate local agencies, all owners of property in Broadview on the Canal, and mailed to property owners within 350' of the subject property, and posted on site in accordance with Wenatchee City Code, Title 13 Administration.
18. Referral comments received agencies and have been considered in the review of this application.
19. The City of Wenatchee Development Review Engineer – Engineer's Report, dated April 25, 2014 is included in this reference the file of record.
20. Agencies which submitted a comment were:
 - 20.1 Department of Natural Resources (no concerns)
 - 20.2 Confederated Tribes of the Colville Reservation (no concerns)
 - 20.3 Washington State Department of Transportation (no concerns)
 - 20.4 Chelan County P.U.D (no concerns)
21. The other agencies that had this project referred for comment, did not provide comment.
22. No public comments were received.
23. A SEPA determination of Optional Determination of Non Significance (ODNS) was issued on March 17, 2014

24. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval.
25. This Application was found to be Technically Complete on April 1, 2014.
26. An open record public hearing after due legal notice was held on May 5, 2014.
27. The entire Planning Staff file was admitted into the record at the public hearing.
28. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
29. Appearing and testifying on behalf of the applicant was Ty Andre. Mr. Andre testified that he was an agent authorized to appear and speak on behalf of the owner and applicant. Mr. Andre testified that the goal is to simply add one new lot to this project. Mr. Andre testified that all of the conditions of approval for the prior planned development were acceptable. He further testified that all of the proposed conditions of approval contained in the staff report were also acceptable.
30. No member of the public testified at the hearing.
31. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
32. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
33. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
34. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. The subject application demonstrates consistency with the development standards and procedural requirements of WCC, Title 10 Zoning and Title 13 Administration of Development Standards.
3. The application, as conditioned, demonstrates consistency with the WCC 10.46 Development Standards for the Residential Single Family (RS) Zoning District.
4. The application, as conditioned, demonstrates consistency with Planned Development requirements.

5. The application, as conditioned, demonstrates consistency with the subdivision design standards of WCC Title 11 Subdivision.
6. The application, as conditioned, demonstrates consistency with RCW 58.17.215.
7. The subject application, as conditioned, demonstrates consistency with Title 12 Environmental Protection standards.
8. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
9. The public interest will be served by the subdivision and dedication.
10. The application, as conditioned, provides for the public health, safety and general welfare for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
11. As conditioned, the proposal does conform to the standards specified in Wenatchee Municipal Code.
12. As conditioned, the use will comply with all required performance standards as specified in Wenatchee Municipal Code.
13. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Wenatchee Municipal Code or the Comprehensive Plan.
14. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
15. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application P2014-01 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

2. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. The existing conditions of approval for the Planned Development of Broadview on the Canal (Ordinances 2004-21 and 2006-05) shall be applicable to the subject property, except as amended by the conditions of approval applicable to this application.
5. A note shall be placed on the face of the final plat / plat alteration stating:
"The subject site shall conform to all applicable conditions and recommendations contained in the Aspect Consulting Site Analysis dated March 24, 2013" and include a location to incorporate an AFN # for the aforementioned document to be recorded with the Chelan County Auditor's Office.
6. The face of the plat shall note the subject site is located the Wildland Urban Interface Secondary Zone.
7. The face of the plat shall note the subject site is subject to impact fees applicable to the site consistent with WCC Title 15 at the time of building permit application.
8. The subject site and final plat / plat alteration shall conform to the conditions of approval as found in the City of Wenatchee Development Review Engineer, Engineer's Report Dated April 25, 2014.
9. A final plat map / plat alteration shall be submitted by a land surveyor licensed in the State of Washington and comply with the substantive and submittal standards of WCC Title 11 and RCW 58.17.215.

Dated this 7th day of May, 2014.

CITY OF WENATCHEE HEARING EXAMINER



Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a), provided, a request for reconsideration must be timely filed prior to any appeal.